

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT BLUEFIELD

TRACY AHMAD ALSHURAF, AKA,

Plaintiff,

v.

CIVIL ACTION NO. 1:20-00546

CAPTAIN WIMBISH, et al.,

Defendants.

MEMORANDUM OPINION AND ORDER

By Standing Order, this action was referred to United States Magistrate Judge Cheryl A. Eifert for submission of findings and recommendations regarding disposition pursuant to 28 U.S.C. § 636(b)(1)(B). Magistrate Judge Eifert submitted to the court her Proposed Findings and Recommendation ("PF&R") on July 1, 2021, in which she recommended that the court grant defendants' Motion to Dismiss, or in the Alternative, Motion for Summary Judgment (ECF No. 21); dismiss the amended complaint with prejudice (ECF No. 5); and remove this case from the docket of the court. (ECF No. 34.)

In accordance with the provisions of 28 U.S.C. § 636(b), the parties were allotted fourteen days and three mailing days in which to file objections to the PF&R. The failure of any party to file such objections within the time allowed constitutes a waiver of such party's right to a de novo review

by this court. See Thomas v. Arn, 474 U.S. 140, 149-50 (1985); Snyder v. Ridenour, 889 F.2d 1363, 1365-66 (4th Cir. 1989); see also 28 U.S.C. § 636(b)(1)(C) ("A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made." (emphasis added)). Neither party filed objections to the PF&R within the required time period.

Accordingly, the court adopts the PF&R as follows:

1. Defendants' Motion to Dismiss, or in the Alternative, Motion for Summary Judgment (ECF No. 21) is **GRANTED**;
2. Plaintiff's Amended Complaint (ECF No. 5) is **DISMISSED** with prejudice; and
3. This case is removed from the docket of the court.

The Clerk is directed to send a copy of this Memorandum Opinion and Order to counsel of record and any unrepresented parties.

IT IS SO ORDERED this 3rd day of November, 2021.

ENTER:

A handwritten signature in black ink, reading "David A. Faber", is written over a horizontal line.

David A. Faber

Senior United States District Judge